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Letter dated 23 May 2008 from the Permanent Representative of Greece to the United Nations addressed to the Secretary-General

Referring to the letter addressed to you by the President of the former Yugoslav Republic of Macedonia on 21 April 2008 (see A/62/826-S/2008/290), may I take this opportunity to update you on recent developments regarding this important issue.

You may recall that with resolutions 817 (1993) and 845 (1993) the Security Council proposed that the former Yugoslav Republic of Macedonia be admitted to membership in the United Nations under a provisional name, pending settlement of the issue. It further said that this issue needs to be resolved in the interest of the maintenance of peaceful and good-neighbourly relations in South-Eastern Europe. A process has been initiated, under your auspices, in order to find a mutually acceptable solution.

The decision to extend an invitation to the former Yugoslav Republic of Macedonia to join NATO as soon as a mutually acceptable solution to the name issue has been reached is a collective decision taken unanimously by the Heads of State and Government of the NATO member States at the Summit held in Bucharest on 3 April 2008. It is not a unilateral act of Greece, falling within the scope of article 11 of the Interim Accord, as is incorrectly implied in the letter addressed to you by the President of the former Yugoslav Republic of Macedonia.

Greece would like to note that the reason why it was not possible to extend, in Bucharest, an invitation for membership to the former Yugoslav Republic of Macedonia is that the latter, judged by her overall conduct vis-à-vis the name issue and towards a member of the Alliance, failed to meet the condition of the respect for the principle of peaceful and good-neighbourly relations. The presentation of this principle is included among the fundamental objectives of the Alliance, as stipulated in the North Atlantic Treaty, and, therefore, it is a prerequisite for accession. According to Security Council resolution 817 (1993), the name issue "needs to be resolved in the interest of the maintenance of peaceful and good-neighbourly relations in the region" and consequently, as long as this issue is not settled, at least

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one of the essential prerequisites for fully fledged membership in the Alliance, namely, the maintenance of peaceful and good-neighbourly relations, is not fulfilled.

In addition to the above essential elements, allegations that Greece has violated articles 11 and 5 of the Interim Accord, signed by Greece and the former Yugoslav Republic of Macedonia in 1995, are unfounded also from a purely legal point of view.

It is well known that the principle *pacta sunt servanda*, which is a fundamental principle of international law governing the contractual relations between States, is based on reciprocity, being a two-way road. Therefore, the Interim Accord cannot be implemented selectively and unilaterally, but as a whole and reciprocally, on the basis of the reciprocal application of the principle *pacta sunt servanda*.

In this context, it must be noted that the former Yugoslav Republic of Macedonia has been materially breaching the Interim Accord since its conclusion, by asserting and supporting territorial claims against Greece (material breach of articles 2, 3 and 4), by promoting and condoning irredentism (material breach of article 6, para. 2), by allowing and not discouraging acts inciting violence, hatred and hostility against Greece (material breach of article 7, para. 1), by continuing, without any justification, the inappropriate use of symbols pertaining to the historic and cultural patrimony of Greece despite the protest of the latter (material breach of article 7, para. 3) and by prohibiting historical research ("Law on Scientific and Research Activities", Government Gazette of the former Yugoslav Republic of Macedonia, volumes 13/96 and 29/02), which constitutes a material breach of article 8, paragraph 1. There is abundant and indisputable evidence corroborating these material breaches of the Interim Accord by the former Yugoslav Republic of Macedonia.

Even more so, the former Yugoslav Republic of Macedonia has violated both the letter and the spirit of article 5, paragraph 1, of the Interim Accord referring to the negotiations for the settlement of the name issue, because, by adopting a totally intransigent and inflexible stance, it has not complied with Security Council resolution 817 (1993), in which the Council urged the parties "to arrive at a speedy settlement of their difference". Since then, the position of the former Yugoslav Republic of Macedonia remains unchanged. In sharp contrast, Greece, showing her constructive and compromising spirit, has departed from her initial position and has accepted the idea of a compound name, which could also include the term "Macedonia". The juxtaposition of the attitudes of Greece and the former Yugoslav Republic of Macedonia as regards the willingness to achieve a compromise solution clearly shows which one of the two parties acts in compliance with the letter and the spirit of article 5, paragraph 1, and which of them does not.

In addition, it is the former Yugoslav Republic of Macedonia that has not respected the principle *pacta sunt servanda* with regard to the implementation of article 11, paragraph 1, of the Interim Accord and Security Council resolution 817 (1993), paragraph 2, which provides that the former Yugoslav Republic of Macedonia will be provisionally referred to for all purposes within the United Nations with this denomination, pending settlement of the difference that has arisen over the name of the State. In September 2007, Mr. Kerim, the President of the sixty-second session of the General Assembly, abusing his office, gave the floor to the President of the former Yugoslav Republic of Macedonia announcing him as "the President of the Republic of Macedonia", thus flagrantly breaching both the

letter and the spirit of the Interim Accord (article 11, para. 1) and Security Council resolution 817 (1993).

In the light of the above, the former Yugoslav Republic of Macedonia is not entitled to demand from Greece compliance with article 11, while she is constantly in breach of most of the provisions of the Interim Accord, by not fulfilling her obligations undertaken in the said treaty and violating thus the principle of *pacta sunt servanda*.

Notwithstanding the above, Greece remains committed to the Interim Accord, as well as to the relevant Security Council resolutions, and engaged in the negotiation process under United Nations auspices aimed at reaching a speedy solution to the name issue. It is in this spirit that Greece has renewed, in the aftermath of Bucharest, her invitation to the former Yugoslav Republic of Macedonia to work together, in order to find as soon as possible a mutually acceptable settlement, which will contribute to the improvement of neighbourly relations and the enhancement of regional security and peace, clearing thus the way of the latter towards the Euro-Atlantic and European institutions.

I should be grateful if the present letter could be circulated as a document of the General Assembly, under agenda item 120, and of the Security Council.

(*Signed*) John **Mourikis**
Ambassador
Permanent Representative